

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2586**

5 (By Delegates Brown, D. Poling, Fleischauer and Talbott)

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7
8 [Passed March 8, 2011; in effect from passage.]
9

10 AN ACT to amend and reenact article 8, chapter 64 of the Code of
11 West Virginia, 1931, as amended, relating generally to the
12 promulgation of administrative rules by the Department of
13 Transportation; legislative mandate or authorization for the
14 promulgation of certain legislative rules by various executive
15 or administrative agencies of the state; authorizing certain
16 of the agencies to promulgate certain legislative rules in the
17 form that the rules were filed in the State Register;
18 authorizing certain of the agencies to promulgate certain
19 legislative rules with various modifications presented to and
20 recommended by the Legislative Rule-Making Review Committee;
21 authorizing the Commissioner of Highways to promulgate
22 legislative rules relating to the use of state road rights of
23 way and adjacent areas (157 CSR 6) the transportation of
24 hazardous wastes upon the roads and highways (157 CSR 7), and
25 Community Empowerment Transportation Act Program (157 CSR 10);

1 authorizing the Division of Motor Vehicles to promulgate a
2 legislative rule relating to the Motor Vehicle Inspection
3 Manual (91 CSR 12); and authorizing the Department of
4 Transportation - State Rail Authority to promulgate a
5 legislative rule relating to the valuation of used rolling
6 stock and equipment (172 CSR 2).

7 *Be it enacted by the Legislature of West Virginia:*

8 That article 8, chapter 64 of the Code of West Virginia, 1931,
9 as amended, be amended and reenacted to read as follows:

10 **ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO**
11 **PROMULGATE LEGISLATIVE RULES.**

12 **§64-8-1. Commissioner of Highways.**

13 (a) The legislative rule filed in the state register on the
14 sixteenth day of July, two thousand ten, authorized under the
15 authority of section one, article twenty, chapter seventeen, of
16 this code, relating to the Commissioner of Highways (use of state
17 road rights of way and adjacent areas, 157 CSR 6), is authorized.

18 (b) The legislative rule filed in the state register on the
19 sixteenth day of July, two thousand ten, authorized under the
20 authority of section seven, article eighteen, chapter twenty-two,
21 of this code, relating to the Commissioner of Highways
22 (transportation of hazardous wastes upon the roads and highways,
23 157 CSR 7), is authorized.

24 (c) The legislative rule filed in the state register on the
25 twenty-seventh day of July, two thousand ten, authorized under the

1 authority of section four, article twenty-eight, chapter seventeen,
2 of this code, modified by the Commissioner of Highways to meet the
3 objections of the Legislative Rule-Making Review Committee and
4 refiled in the state register on the twenty-second day of November
5 two thousand ten, relating to the Commissioner of Highways
6 (Community Empowerment Transportation Act Program, 157 CSR 10), is
7 authorized with the following amendments:

8 On page six, section eight, line five, by striking out the
9 citation "§22-5-1" and inserting in lieu thereof the citation "§5-
10 22-1"; and

11 On page six, section nine, line eight, by striking out the
12 words "Committee on Government and Finance".

13 **§64-8-2. Division of Motor Vehicles.**

14 The legislative rule filed in the state register on the
15 twenty-sixth day of July, two thousand ten, authorized under the
16 authority of section four, article sixteen, chapter seventeen-c, of
17 this code, relating to the Division of Motor Vehicles (Motor
18 Vehicle Inspection Manual, 91 CSR 12), is authorized.

19 **§64-8-3. Department of Transportation.**

20 The legislative rule filed in the state register on the
21 thirteenth day of May, two thousand ten, authorized under the
22 authority of section six, article eighteen, chapter twenty-nine, of
23 this code, relating to the Department of Transportation - State
24 Rail Authority (valuation of used rolling stock and equipment, 172
25 CSR 2), is authorized.